

WEEKLY REPORT

December 9, 2021

MEMORANDUM FOR THE CABINET SECRETARY

FROM: SINCERÉ HARRIS, 202-570-5675
ENVIRONMENTAL PROTECTION AGENCY (EPA)

SUBJECT: EPA Weekly Report | Week Ending December 9, 2021

AMERICAN RESCUE PLAN (ARP) / BIPARTISAN INFRASTRUCTURE FRAMEWORK (BIF) / BUILD BACK BETTER AGENDA (BBB) / ECONOMY

- **Past Week Accomplishments and Setbacks/Obstacles:**
 - **EPA Announced Water Infrastructure Funding for States Through the Bipartisan Infrastructure Law:** On December 2nd, U.S. Environmental Protection Agency (EPA) Administrator Michael S. Regan announced funding that states, Tribes, and territories will receive in 2022 through the Bipartisan Infrastructure Law. This funding, provided through EPA's State Revolving Fund (SRF) programs, will create jobs while upgrading America's aging water infrastructure and addressing key challenges like lead in drinking water and per- and poly-fluoroalkyl substances (PFAS) contamination. In a letter sent to Governors, Administrator Regan encouraged states to maximize the impact of water funding from the law – an unprecedented nationwide total of \$50 billion investment – to address disproportionate environmental burdens in historically underserved communities across the country.
 - **New Orleans WIFIA Loan:** On December 7th, EPA delivered remarks at an event announcing a \$275 million Water Infrastructure Finance and Innovation Act (WIFIA) loan to the Sewerage and Water Board (S&WB) of New Orleans, Louisiana. The event highlighted President Biden's visit with S&WB earlier this year. This loan will help finance over 160 projects to modernize aging and storm damaged sewer

pipelines throughout the city as part of its comprehensive Sewer System Evaluation and Rehabilitation Program. The projects are expected to create 1,800 jobs. This project and EPA's financing illustrate the benefits to come through the Bipartisan Infrastructure law.

- **EPA Opening a Competitive \$20 Million Grant Program for Air Monitoring as Part of the American Rescue Plan:** As early as December 9th, EPA plans to open a \$20 million grant competition for eligible entities including state, Tribal and local air agencies, and community-based nonprofit organizations to conduct monitoring of air pollutants of greatest concern in communities with health outcome disparities from pollution and the COVID-19 pandemic. EPA is encouraging collaboration between communities and government agencies in these monitoring efforts. This program is part of the \$100 million that EPA received as part of the American Rescue Plan.
- **Next Week – Upcoming Events / Tasks / Developments:**
 - **Hypoxia Task Force Meeting:** From December 13th – 14th, EPA will co-chair the federal, state, and tribal Gulf of Mexico/Mississippi River Watershed Nutrient Task Force (Hypoxia Task Force or HTF). States will provide updates on implementation of the Gulf Hypoxia Action Plan 2008, including challenges and successes in nutrient reduction strategies. This is the first meeting of the HTF since the Bipartisan Infrastructure Law (BIL) directed EPA to provide \$60M over FY22 – 26 to the 12 state members.
 - **Background:** The HTF is a collaborative partnership of five federal agencies, 12 states, and a tribal representative working together to address nutrient pollution in the Mississippi-Atchafalaya River Basin to reduce the size of the hypoxic zone in the northern Gulf of Mexico. Nutrient pollution is one of America's most widespread, costly and challenging environmental problems, and is caused by excess nitrogen and phosphorus in the air and water.
 - **WIFIA Loan Announcement:** As early as next week, EPA will announce a \$81 million WIFIA loan for the Arden Service Area Distribution System Pipe Realignment and Meter Installation

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Project in Sacramento County, California. This project will discontinue the use of old pipelines located in backyards, install approximately 38 miles of new distribution pipelines – servicing roughly 200,000 residents, install over 3,000 new meters, and replace or install new fire hydrants. The project is expected to create 530 jobs.

COVID-19

- N/A

CLIMATE

- **Past Week Accomplishments and Setbacks/Obstacles:**
 - **FERC Alberta Xpress Final EIS comment letter:** Similar to the previous four comment letters (East Lateral, East 300, Evangeline Pass, North Baja Xpress), EPA responded to a Final Environmental Impact Statement from FERC for the Alberta Xpress Project. In accordance with the Clean Air Act, EPA reviews and comments on the adequacy of all federal Environmental Impact Statements (EIS); often offering recommendations to help the lead agency improve the adequacy of the EIS. FERC has published a Final EIS on several projects including the Alberta Xpress project and their next step would be to queue them up for decisions by the Commission. EPA recommends that FERC not proceed with a decision for this and other projects until the Commission has had a chance to establish new policy guidance to reflect the full disclosure of climate impacts.
 - **Background:** In June 2020, TC Energy's ANR Pipeline and Great Lakes Gas Transmission Companies filed an application with the Federal Energy Regulatory Commission (FERC) for the Alberta Xpress Project. The Alberta Xpress project proposes to construct and operate one new greenfield compressor station and modify a mainline valve in Evangeline Parish, Louisiana; and acquire a lease agreement between the ANR to Great Lakes Gas Transmission pipelines. The Alberta Xpress Project is designed to provide up to 165,000 dekatherms per day (Dth/d) of additional natural gas transportation
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capacity from the Great Lakes Gas Transmission point in Manitoba to deliver locations along the ANR Pipeline in the Midwestern and Southern U.S. The greenhouse gas emissions from 165,000 dekatherms per day of natural gas over a year would roughly be equivalent to the energy use of 375,000 homes, 66,000 passenger vehicles, or 0.79 coal-fired power plants in one year.

- **Next Week – Upcoming Events / Tasks / Developments:**

- **EPA to Announce the Final Rule on New Stringent Standards for Light Duty Vehicles Next Week:** As early as December 15th, EPA anticipates announcing the final rule, Revised Light-Duty Vehicle GHG Emissions Standards. Pursuant to Executive Order 13990, “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis” issued by President Biden, the final rule will revise existing federal greenhouse gas (GHG) emissions standards for passenger cars and light trucks under the Clean Air Act (CAA). This action proposes emission standards for model year (MY) 2023 through MY 2026 that would revise the previous administration’s weakening of GHG standards for light-duty vehicles (SAFE) and provide a foundation for a future program that will further recognize the rapidly developing trends toward zero-emission technologies. By MY 2026, the proposed standards would set the most stringent GHG targets ever issued by EPA.
 - **Background:** SAFE vehicles rule was established by the EPA and National Highway Traffic Safety Administration (NHTSA) to update the GHG emissions standards and Corporate Average Fuel Economy (CAFE) standards for passenger cars and light trucks and establish new standards for vehicle MY 2021 through 2026.
- **EPA to Propose New Aircraft Particulate Matter Standards:** As early as December 14th, EPA is proposing particulate matter (PM) emission standards and test procedures applicable to certain classes of engines used by civil subsonic jet airplanes. These standards would replace the existing smoke standards for aircraft engines and would bring U.S. emissions standards into alignment with the aircraft engine standards

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adopted by the United Nations' International Civil Aviation Organization (ICAO) in 2017 and 2020. EPA and the Federal Aviation Administration (FAA), as a part of the U.S. delegation to ICAO, were instrumental in pushing for international adoption of the PM standards.

- **EPA to Release a Report on Seasonal Changes and Climate: A Review of Observed Evidence in the U.S.:** As early as December 10th, EPA plans to release a new report, Seasonal Changes and Climate: A Review of Observed Evidence in the U.S. This report summarizes observed changes related to seasonality in the U.S., discusses how climate change affects the timing and nature of seasonal events, and describes the implications of those changes. The report highlights that climate-related changes in seasonality are evident and happening now, and have wide-ranging impacts across physical, ecological, health, and societal systems. Understanding how seasonal events are changing can help us plan for and address risks associated with the effects of climate change at seasonal and longer time scales. The report uses a subset of EPA's climate change indicators to explore the interconnectedness of seasonal changes.

EQUITY FOR UNDERSERVED COMMUNITIES

- **Past Week Accomplishments and Setbacks/Obstacles:**
 - **WY Energy Communities Stakeholder Meeting:** On December 3rd, EPA supported the Interagency Working Group on Coal and Power Plant Communities (EO14017) at an initial Wyoming energy stakeholder meeting to discuss pathways for regional economic diversification and how best to approach energy transition in Wyoming from the perspective of local stakeholders. Attendees included congressional offices, state representatives, utilities, universities, labor, local communities, and nonprofit organizations.
 - **Background:** This meeting was held in the lead up to a virtual workshop scheduled for December 17th that will connect Wyoming stakeholders with federal departments and state officials to learn about available resources and discuss potential pathways for regional
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economic revitalization. EPA is working closely with the Department of Energy on the workshop development and will be speaking as part of federal panel discussion on available resources for the state, current energy transition conditions in Wyoming, and opportunities for broader collaboration.

- **Next Week – Upcoming Events / Tasks / Developments:**

- **EPA State BIL Workgroup Meeting:** EPA will hold the first meeting of a workgroup it has convened with state funding, finance, and public water system supervision leaders to obtain input on key topics that will help the agency develop the guidance states need to implement BIL Clean Water and Drinking Water State Revolving Fund, Water Infrastructure Improvements for the Nation (WIIN) Act, as well as Small and Underserved Community Grant programs.

SIGNIFICANT EXECUTIVE ORDER (EO) & AGENCY ACTIVITY

- **Significant activity for consideration to raise to the attention of POTUS:**

- **Red Hill Drinking Water Contamination:** EPA is providing support to the Hawaii Department of Health and U.S. Navy as they assess and respond to concerns about petroleum contamination of a drinking water well in Red Hill serving Base Pearl Harbor-Hickam on the island of Oahu. Hawaii has issued an emergency order requiring the Navy to suspend fuel transfers and operations at the Red Hill Bulk Fuel Storage Facility following two recent spills attributed to pipework. Affected residents have been relocated and bottled water provided while testing, investigation, and mitigation activities occur.

- **Background:** On Monday, November 29th, U.S. EPA was informed by the U.S. Navy of complaints of chemical odor, nausea, and body rashes by residents in military housing from the Navy Joint Base Pearl Harbor-Hickam (JBPHH) Water System. On November 30th the Hawaii Department of Health (HDOH) issued a “Do Not Drink” advisory to all consumers of the Navy JBPHH Water System. Immediate actions were taken by the Navy to
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provide alternative drinking water sources, conduct sampling, and shut down the suspected source well and shaft. While the U.S. Navy is the lead government agency, and Hawaii Dept of Health (HDOH) is the lead regulatory agency, EPA has mobilized federal On Scene Coordinators to Honolulu to provide technical support to the Navy, HDOH and local water and health entities united in a Public Health Assessment Unit—including providing sampling analysis support, future lab support, and drinking water safety support to HDOH, input on sampling and data monitoring to the U.S. Navy, and larger system safety support to FEMA operations.

- HDOH issued an emergency order to the Navy requiring it to suspend fuel transfers and other operations at the Red Hill fuel tanks, to install a drinking water treatment system at Red Hill Shaft to ensure compliance with the Safe Drinking Water Act and minimize contaminant movement, have a qualified third party prepare and implement a work plan for any necessary repairs, and defuel the tanks 30 days after completing all corrective actions. The Navy is contesting the order but has currently stopped fuel transfers. EPA supports Hawaii Department of Health taking action to protect public health. It is important that the Department of Defense take steps to control any releases and put in place a system to ensure that Red Hill Shaft drinking water is safe.

- **Past Week Accomplishments and Setbacks/Obstacles:**

- **EPA Transmitted New Heavy-Duty Vehicles Rulemaking to OMB for Interagency Review:** On December 3rd, EPA sent to OMB for interagency review the proposed rule, Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards. President Biden's [[HYPERLINK](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.whitehouse.gov%2Fbriefing-room%2Fpresidential-actions%2F2021%2F08%2F05%2Fexecutive-order-on-strengthening-american-leadership-in-clean-cars-and-trucks%2F&data=04%7C01%7CDolan.Emily%40epa.gov%7Ca9dda963b68644b5891808d99d5815f5%7C88b378b367484867acf976aacbeca6a7%7C0%2F) "https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.whitehouse.gov%2Fbriefing-room%2Fpresidential-actions%2F2021%2F08%2F05%2Fexecutive-order-on-strengthening-american-leadership-in-clean-cars-and-trucks%2F&data=04%7C01%7CDolan.Emily%40epa.gov%7Ca9dda963b68644b5891808d99d5815f5%7C88b378b367484867acf976aacbeca6a7%7C0%

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&reserved=0"] instructed EPA to consider a rulemaking to
establish new multipollutant standards for heavy-duty engines
and vehicles beginning with model year 2027.

- **EPA Announced Proposal on Renewable Fuel Standards:**
On December 7th, EPA announced a rulemaking proposal to
set the Renewable Volume Obligations for the Renewable Fuel
Standards (RFS) program. The proposal aims to get the RFS
program back on track by setting targets that are forward
looking and growth oriented, while addressing challenges
stemming from decisions made under the prior administration.
EPA will continue to engage with all RFS stakeholders to gather
input and understand their concerns.

- **Background:** Congress created the RFS program to
reduce greenhouse gas emissions and expand the
nation's renewable fuels sector while reducing reliance on
imported oil. EPA has been responsible for promulgating
annual rules to establish RFS volumes, which have
increased renewable fuel use dramatically.

- **EPA Announced Proposal of Denial of Petitions for Small
Refinery Exemptions:** On December 7th, EPA announced its
proposal to deny all pending petitions for small refinery
exemptions from the obligations to meet the RFS
standards. This is not a final agency action, and EPA is
seeking critical review and input from all stakeholders on the
legal and technical analyses the Agency has articulated in the
proposed action.

- **Next Week – Upcoming Events / Tasks / Developments:**

- **Soquel Creek Groundbreaking WIFIA Loan:** December 10th,
EPA will participate in a groundbreaking event in Soquel Creek,
California. The project received a \$88 million WIFIA loan.
- **Dicamba Incident Summary:** EPA will release a high-level
summary of alleged dicamba-related incidents from the 2021
growing season to provide stakeholders with an update as the
agency continues to decide what action it will take regarding the
2020 dicamba registration decision.

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- **Background:** Dicamba is a selective herbicide in the chlorophenoxy family of chemicals—a class of herbicides that may be found in domestic water supplies and cause adverse health effects. Products with dicamba frequently contain other herbicides as well. Following reports of damage resulting from the off-site movement of dicamba, EPA amended the registrations of all over-the-top dicamba products in 2017 and again in 2018. The U.S. Court of Appeals for the Ninth Circuit vacated the 2018 registrations in 2020, on the basis that EPA failed to acknowledge some risks and substantially understated others. An investigation by EPA’s Office of the Inspector General later found that EPA’s 2018 decision was driven by political considerations and that the conclusions and concerns of career staff scientists were ignored. In October 2020, the agency announced the registration of two end-use dicamba products and extended the registration for one dicamba product. The agency’s 2020 decision included measures designed to prevent damage to non-target plants, while allowing use of dicamba in a manner expected not to affect listed species or otherwise cause unreasonable, adverse effects on the environment. However, the data being released about the 2021 growing season calls into question the sufficiency of these measures. Specifically, despite the control measures implemented in 2020, the agency has received more than 3,500 dicamba-related incident reports from the 2021 growing season. At this time, EPA is uncertain whether over-the-top dicamba can be used in a manner that is protective of non-target plants, listed species, and their designated critical habitats.

APPENDIX

- **Week ahead messaging:**
 - The Bipartisan Infrastructure Law empowers EPA to invest in the health, resilience, and equity of communities.
 - EPA is focused on delivering environmental justice for communities that have been overburdened by pollution and underserved for too long.

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Briefing Memo - Environmental Protection Agency

Printed on 12/09/2021

- Families and communities deserve access to safe, healthy drinking water, free of lead and contamination.
- **Travel:**
 - **November 10th** — Administrator Regan will visit Volvo in Greensboro, North Carolina, where he will be joined by Martin Weissburg, Chairman of Volvo Group North America and President of Mack Trucks, and Ray Curry, United Autoworkers President. While there, he will discuss upcoming heavy-duty vehicle regulations, as well as view and test drive Volvo's electric trucks.
 - **November 11th**— Administrator Regan will deliver the Fall commencement address at his alma mater – North Carolina A&T University.
 - **November 15th or 16th (tentative)** – Administrator Regan possible travel to Pennsylvania, likely to one of the Philadelphia-area suburban counties.
- **Speeches:**
 - N/A
- **Media:**
 - On Friday, December 10th, Administrator Regan will be in North Carolina to visit the Volvo facility with UAW leaders on Heavy-Duty Vehicle rue. He will hold a press gaggle with local outlets. The Administrator will also do a Bipartisan Infrastructure Law interviews with the *Raleigh News & Observer* and will participate in an interview with YouTube creator Brian Tyler Cohen on the Bipartisan Infrastructure Law.
 - On Saturday, December 11th, Administrator Regan will deliver the commencement speech at North Carolina A&T. The event will be open press and followed by a media gaggle.
- **Principal level meetings or calls with Governors, Mayors, or other elected officials of note:**
 - **November 30th** – EPA participated in the opening ceremony of the Cramer Hill Waterfront Park in Camden, NJ, at the site of the former Harrison Avenue Landfill. Notable participants

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included Governor Phil Murphy (D-NJ), Congressman Donald Norcross (D-NJ), and Camden Mayor Vic Carstarphen (D-NJ).

- **Noteworthy public engagement:**

- **Administrator Reagan**

- **December 8th** – Administrator Reagan will meet with the bipartisan Ethelene Oxide (EtO) Task Force about the guiding principles of the group. Administrator Reagan will discuss the plan for the commercial sterilizers' rulemaking and related EtO actions; next steps on federal and Congressional coordination; and the plan for pre-proposal outreach on the commercial sterilizer rulemaking.
 - **December 10th** – Administrator Reagan will visit Volvo in Greensboro, North Carolina, where he will be joined by Martin Weisburg, Chairman of Volvo Group North America and President of Mack Trucks, and Ray Curry, United Autoworkers President. While there, Administrator Reagan will discuss upcoming heavy-duty vehicle regulations, as well as view and test drive Volvo's electric trucks.
 - **December 11th** – Administrator Reagan will deliver the Fall Commencement address at his alma mater, North Carolina Agricultural and Technical State University (NC A&T).

- **Deputy Administrator Janet McCabe**

- **December 8th** — EPA will host a Food and Organics Strategy and Research Stakeholder Meeting. This meeting is an opportunity for key state/local, non-governmental organizations, industry, and academic partners to provide input on the actions EPA could take to help the U.S. meet the national goal to halve food loss and waste by 2030 and will feature remarks from Deputy Administrator Janet McCabe and other members of EPA's senior leadership team.

- **EPA Senior Leadership**

- **November 30th** – EPA participated in the opening ceremony of the Cramer Hill Waterfront Park in Camden, NJ, at the site of the former Harrison Avenue Landfill. Notable participants included Governor Phil Murphy (D-NJ), Congressman Donald Norcross (D-NJ), and Mayor Vic Carstarphen (D-NJ). The \$48 million, 62-acre waterfront park abuts the Salvation Army Kroc

Camden Center, which opened in late 2014 and occupies the other remediated section of the former landfill.

- **December 6th** – Associate Administrator for Public Engagement and Environmental Education, Rosemary Enobakhare, joined the Wall Street Journal's CEO Council for a virtual panel conversation, "A Climate Strategy to Engage Gen Z." The CEO Council consists of 15-25 C-Suite or senior level executives.
- **December 6th** – EPA and the National Fish and Wildlife Foundation announced grants for 39 projects totaling \$5.4 million under the 2021 Long Island Sound Futures Fund. Speakers at the event included Senator Blumenthal (D-CT), Senator Murphy (D-CT), Representative Courtney (D-CT), and EPA Region 1 (New England) regional leadership.
- **December 7th** – EPA hosted agriculture and biofuels stakeholder briefing following the agency's announcement of proposed actions to strengthen the role of the Renewable Fuel Standard (RFS) in advancing greater use of low-carbon renewable fuels.
- **December 9th** – Associate Administrator for Public Engagement and Environmental Education Rosemary Enobakhare and Assistant Administrator for Water Radhika Fox hosted a non-profit and equity stakeholder briefing call on water infrastructure funding.
- **Principal level meetings or calls with Members of Congress:**
 - **December 7th** – Administrator Regan breakfast with Sen. Tom Carper (D-DE At-Large).
 - **December 9th** – Administrator Regan lunch with Congressman A. Donald McEachin (D-VA).
 - **December 9th** – Administrator Regan hosts an EPA All Hands meeting with Sen. Tom Carper (D-DE At-Large).
- **Noteworthy inquiries from Congressional committees or Members of Congress; scheduled testimony by Secretary or Deputy Secretary:**
 - **December 7th** – EPA's bi-partisan and bi-cameral briefings on the RFS proposal. EPA will be joined by USDA.

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- **December 8th** – Assistant Administrator for the Office of Chemical Safety and Pollution Prevention (OCSPP), Michal Freedhoff, will brief House Energy and Commerce staff on improvements made in OCSPP to strengthen scientific integrity and new chemicals decision-making.
- **December 9th** – EPA briefing for House Committee on Science, Space, and Technology - Majority on environmental justice activities at the Agency.
- **Noteworthy rulemaking in the Federal Register:**
 - **EPA Transmitted New Heavy-Duty Vehicles Rulemaking to OMB for Interagency Review:** On December 3rd, EPA sent to OMB for interagency review the proposed rule, Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards.
 - **EPA Announced Proposal on Renewable Fuel Standards:** On December 7th, EPA announced a rulemaking proposal to set the Renewable Volume Obligations for the Renewable Fuel Standards (RFS) program.
 - **EPA to Announce the Final Rule on New Stringent Standards for Light Duty Vehicles Next Week:** As early as December 15th, EPA anticipates announcing the final rule, Revised Light-Duty Vehicle GHG Emissions Standards. Pursuant to Executive Order 13990, “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis” issued by President Biden, the final rule will revise existing federal greenhouse gas (GHG) emissions standards for passenger cars and light trucks under the Clean Air Act (CAA).
- **Funding Announcements:**
 - **WIFIA Loan Announcement:** As early as next week, EPA will announce a \$81 million WIFIA loan for the Arden Service Area Distribution System Pipe Realignment and Meter Installation Project in Sacramento County, California. The project is expected to create 530 jobs.
 - **WIFIA Loan Application Invitations:** On December 3rd, EPA will announce that 43 new projects in 25 states are being invited to apply for approximately \$6.7 billion in Water

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Briefing Memo - Environmental Protection Agency

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Infrastructure Finance and Innovation Act (WIFIA) loans. Additionally, EPA is inviting state agencies in Indiana and New Jersey to apply for WIFIA loans through EPA's state infrastructure financing authority WIFIA (SWIFIA) program.

- **WIFIA Loan Announcement:** On December 7th, at an event hosted by the Sewerage and Water Board of New Orleans, EPA will announce a \$275 million Water Infrastructure Finance and Innovation Act (WIFIA) loan.
- **Grant Notices (NOFA/NOFOs):**
 - **December 6th** – EPA and the National Fish and Wildlife Foundation announced grants for 39 projects totaling \$5.4 million under the 2021 Long Island Sound Futures Fund. The awards are matched by \$4.7 million from state and local governments, nonprofit organizations, and community groups around the Long Island Sound watershed in New York, Connecticut, and Vermont.